



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
APRIL 6 and 7, 2010**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on April 6 and 7, 2010.

TUESDAY, APRIL 6, 2010—9:00 A.M.

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| (1) | S164174 | Simpson Strong-Tie Co. v. Pierce Gore et al. |
| (2) | S162647 | City of San Jose v. Operating Engineers Local Union
No. 3 et al.
<i>[To be called and continued to the May 2010 calendar]</i> |
| (3) | S163273 | People v. Correa (Victor) |

2:00 P.M.

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| (4) | S157932 | People v. Ceja (Rafael) |
| (5) | S075875 | People v. Russell (Timothy) [Automatic Appeal] |
| (6) | S029490 | People v. Williams (David Earl) [Automatic Appeal] |

WEDNESDAY, APRIL 7, 2010—9:00 A.M.

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| (7) | S172199 | Greene v. Marin Co. Flood Control & Water Conservation Dist.
(Flood Mitigation League of Ross Valley et al., Interveners)
<i>(Baxter and Werdegarr, JJ., not participating; Raye and Reardon, JJ.,
assigned justices pro tempore)</i> |
| (8) | S169753 | Tverberg et al. v. Fillner Construction Inc. |
| (9) | S171163 | People v. Castillo (Javier) |

1:30 P.M.

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| (10) | S151961 | People v. Low (Tony Richard) |
| (11) | S153170 | People v. Gastello (Tommy) |
| (12) | S074804 | People v. Hartsch (Cisco) [Automatic Appeal] |

GEORGE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
APRIL 6 and 7, 2010**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, APRIL 6, 2010—9:00 A.M.

(1) *Simpson Strong-Tie Co. v. Pierce Gore et al.*, S164174

#08-124 Simpson Strong-Tie Co. v. Pierce Gore et al., S164174. (H030444; 162 Cal.App.4th 737; Superior Court of Santa Clara County; CV0576666.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. The court limited review to the following issues: (1) Which party bears the burden of persuasion with respect to the applicability of the anti-SLAPP exemptions set forth in Code of Civil Procedure section 425.17, subdivision (c)? (2) Does Code of Civil Procedure section 425.17, subdivision (c), exempt from anti-SLAPP protection an advertisement by a lawyer soliciting clients for a contemplated lawsuit?

(2) *City of San Jose v. Operating Engineers Local Union No. 3 et al.*, S162647 [To be called and continued to the May 2010 calendar]

#08-96 City of San Jose v. Operating Engineers Local Union No. 3 et al., S162647. (H030272; 160 Cal.App.4th 951; Superior Court of Santa Clara County; CV064707.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action. This case presents the following issue: Does the Public Employment Relations Board have the exclusive initial jurisdiction to determine whether certain “essential” public employees covered by Meyers-Milias-Brown Act (Gov. Code, §§ 3500, 3511) have the right to strike, or does that jurisdiction rest with the superior court?

(3) *People v. Correa (Victor)*, S163273

#08-108 People v. Correa (Victor), S163273. (C054365; 161 Cal.App.4th 980; Superior Court of Sacramento County; 06F1135.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Was defendant

properly sentenced on multiple counts of being a felon in possession of a firearm after he was discovered in a closet with a cache of weapons?

2:00 P.M.

(4) *People v. Ceja (Rafael)*, S157932

#08-11 *People v. Ceja (Rafael)*, S157932. (D049566; 155 Cal.App.4th 1246; Superior Court of San Diego County; SCE262242.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents the following issue: If a defendant is improperly convicted of both stealing property and receiving the same stolen property (see Pen. Code, § 496, subd. (a)), should the theft conviction or the receiving conviction be reversed?

(5) *People v. Russell (Timothy)*, S075875 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

(6) *People v. Williams (David Earl)*, S029490 [Automatic Appeal]

This matter is an automatic appeal from a judgment of death.

WEDNESDAY, APRIL 7, 2010—9:00 A.M.

(7) *Greene v. Marin Co. Flood Control & Water Conservation Dist. (Flood Mitigation League of Ross Valley et al., Interveners)*, (*Baxter and Werdegarr, JJ.*, not participating; *Raye and Reardon, JJ.*, assigned justices pro tempore), S172199

#09-31 *Greene v. Marin Co. Flood Control & Water Conservation Dist. (Flood Mitigation League of Ross Valley et al., Interveners)*, S172199. (A120228; 171 Cal.App.4th 1458; Superior Court of Marin County; CV 073767.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issues: (1) Does the secret voting requirement contained in article II, section 7, of the California Constitution apply to special elections conducted by local agencies pursuant to article XIII, section D, of the California Constitution, enacted by voters as Proposition 218, to assess a fee against property owners benefited by a particular project? (2) If so, was that secrecy requirement violated here, even though the district's voting procedures were designed to ensure the secrecy of the vote, because the district failed to provide each voter with an individualized assurance that his or her vote would be held in confidence?

(8) *Tverberg et al. v. Fillner Construction, Inc.*, S169753

#09-07 Tverberg et al. v. Fillner Construction, Inc., S169753. (A120050; 168 Cal.App.4th 1278; Superior Court of Solano County; FCS028210.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Do the limitations on a hirer's liability for injuries to employees of subcontractors that were established in *Privette v. Superior Court* (1993) 5 Cal.4th 689 and subsequent cases extend to claims brought by a self-employed independent contractor against a hirer for injuries sustained while doing contract work for a subcontractor?

(9) *People v. Castillo (Javier)*, S171163

#09-23 People v. Castillo (Javier), S171163. (B202289; 170 Cal.App.4th 1156; Superior Court of Los Angeles County; ZM002027, ZM004837, ZM006562.) Petition for review after the Court of Appeal modified and affirmed an order of commitment as a sexually violent predator. The court limited review to the following issue: Did the Court of Appeal err by increasing the term of defendant's commitment under the Sexually Violent Predator Act from two years to an indeterminate term pursuant to the 2006 amendments to Welfare and Institutions Code section 6604, when the Los Angeles County District Attorney had stipulated that only the two-year commitment term would be sought?

1:30 P.M.

(10) *People v. Low (Tony Richard)*, S151961

#07-208 People v. Low (Tony Richard), S151961. (A112831; nonpublished opinion; Superior Court of Solano County; FCR-225077.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

(11) *People v. Gastello (Tommy)*, S153170

#07-207 People v. Gastello (Tommy), S153170. (F050325; 149 Cal.App.4th 943; Superior Court of Kings County; 05CM4995.) Review on the court's own motion after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

Both Low and Gastello present the following issue: Did the defendant violate Penal Code section 4573 by knowingly having methamphetamine in his possession when he was brought into county jail after his arrest on other charges?

(12) *People v. Hartsch (Cisco), S074804 [Automatic Appeal]*

This matter is an automatic appeal from a judgment of death.

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